

APPEAL NO. 032211
FILED OCTOBER 7, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on June 17, 2003. The hearing officer determined that: (1) the appellant (claimant) is not entitled to second and third quarter supplemental income benefits (SIBs); (2) the respondent (carrier) is entitled to reduce or suspend SIBs, which have accrued and remained unpaid on and after February 26, 2003, in the amount of \$717.50, in order to recoup a prior overpayment of temporary income benefits in this amount; and (3) the carrier has not relinquished its right to take credit for contribution ordered by the Texas Workers' Compensation Commission (Commission) on August 1, 2001, as subsequently modified by agreement of the parties on February 26, 2003. The claimant appeals these determinations. The carrier did not file a response.

DECISION

The decision and order of the hearing officer have become final pursuant to Section 410.169.

A written request for appeal must be filed within 15 days of the date of receipt of the hearing officer's decision, excluding Saturdays, Sundays, and holidays listed in Section 662.003 of the Texas Government Code. Section 410.202(a) and (d). Commission records indicate that the hearing officer's decision was mailed to the claimant on June 27, 2003. The claimant indicates, in her appeal, that she received the decision on June 30, 2003. The last date for the claimant to timely file an appeal was July 22, 2003. The appeal was postmarked on August 20, 2003, and stamped as received by the Chief Clerk of Proceedings on August 21, 2003. The appeal is, therefore, untimely.

The appeal being untimely, the jurisdiction of the Appeals Panel was not properly invoked and the decision and order of the hearing officer has become final pursuant to Section 410.169.

The true corporate name of the insurance carrier is **CONTINENTAL CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION
350 NORTH ST. PAUL
DALLAS, TEXAS 75201.**

Edward Vilano
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Margaret L. Turner
Appeals Judge